IN THE CLAIMS:

3. (Amended) A method according to claim 1 [or claim 2], wherein both of said nucleic acid molecules comprise only one adenovirus inverted terminal repeat or a functional part, derivative, and/or analogue thereof.

4. (Amended) A method according to [any one of claims 1-3] claim 1, wherein said welding together is performed in a cell or a functional part, derivative, and/or analogue thereof.

7. (Amended) A method according to [any one of claims 1-6] claim 1, wherein one of said nucleic acid molecules is relatively small and the other is relatively large.

8. (Amended) A method according to [any one of claims 1-7] claim 1, wherein at least one of said nucleic acid molecules provided to said cell comprises an adenovirus inverted terminal repeat which, on one side, is essentially free of other nucleic acid.

11. (Amended) A method according to [any one of claims 4-10]claim 4, wherein the nucleic acids present in said cell do not comprise sequence overlap that can lead to the formation of replication competent adenovirus.

12. (Amended) A method according to [any one of claims 4-11]claim 4, wherein the chromosomal nucleic acid in said cell comprises at least a functional part of an adenoviral E1-region, or a functional derivative, and/or analogue thereof.

13. (Amended) A method according to [any one of claims 4-12]claim 4, wherein said cell is a PER.C6 cell (ECACC [deposit number]96022940) or a functional derivative, and/or analogue thereof.

14. (Amended) A method according to [any one of claims 4-13]claim 4, wherein said nucleic acid in said cell further comprises a nucleic acid sequence encoding an adenoviral E2-region and/or an adenoviral E4-region protein.

15. (Amended) A method according to [any one of claims 1-14]claim 1, wherein at least one of said nucleic acid molecules is linear.

16. (Amended) A method according to [any one of claims 1-15] claim 1, wherein at least one of said molecules comprises adenoviral capsid protein encoding nucleic acid derived from two different adenovirus serotypes.

17. (Amended) A method according to [any one of claims 1-16] claim 1, wherein said welding together of said nucleic acid molecules leads to the generation of a physically linked nucleic acid comprising at least two functional adenovirus inverted terminal repeats, a functional encapsulation signal, a nucleic acid encoding at least one adenoviral E1-region protein, at least one adenoviral E2-region encoded protein and/or at least one adenoviral E4-region encoded protein and a nucleic acid of interest or functional parts, derivatives and/or analogues thereof and wherein at least one of said E1-region encoded proteins is under transcriptional control of a conditionally active promoter.

Please cancel claims 18 through 22 without prejudice or disclaimer.

27. (Amended) A recombinant nucleic acid according to claim 25 [or claim 26], wherein said sequence for adenovirus-independent replication comprises an SV40 origin of replication.

28. (Amended) A recombinant nucleic acid according to [any one of claims 18-27] claim 23 wherein said nucleotide sequence comprises no sequences which allow for homologous recombination leading to replication competent virus in a cell into which said recombinant nucleic acid is transferred.

32. (Amended) An adapter plasmid according to [any one of claims 29-31] claim 29, further comprising a nucleic acid of interest such as a multiple cloning site and/or a transgene.

Please cancel claims 33 through 52 without prejudice or disclaimer.

53. (Amended) A recombinant nucleic acid according to [any one of claims 18-28]claim 23, wherein said deletion in the E3 region is replaced with a transgene.

Please cancel claims 54 through 58 without prejudice or disclaimer.

Please add the following new claims:

59. A method according to claim 2, wherein each said nucleic acid molecules comprises only one functional adenovirus inverted terminal repeat or a functional part, derivative, and/or analogue thereof.

60. A method according to claim 2, wherein said welding together is performed in a cell or a functional part, derivative, and/or analogue thereof.

61. A method according to claim 60, wherein said cell is a mammalian cell.

62. A method according to claim 61, wherein said nucleic acid molecules are incapable of replicating in said mammalian cell prior to said welding together.

63. A method according to claim 2, wherein one of said nucleic acid molecules is relatively small and the other is relatively large with respect to one another.

64. A method according to claim 2, wherein at least one of said nucleic acid molecules provided to said cell comprises an adenovirus inverted terminal repeat which, on one side, is essentially free of other nucleic acid.

65. A method according to claim 64, wherein said adenovirus inverted terminal repeat is made essentially free of other nucleic acid on one side using a restriction enzyme.

66. A method according to claim 65, wherein said restriction enzyme acts on a site which is not present in adenoviral vector nucleic acid in said nucleic acid molecule.

67. A method according to claim 2, wherein the nucleic acids present in said cell do not comprise sequence overlap that can lead to the formation of replication competent adenovirus.

68. A method according to claim 2, wherein the chromosomal nucleic acid in said cell comprises at least a functional part of an adenoviral E1-region, or a functional derivative, and/or analogue thereof.

69. A method according to claim 2, wherein said cell is a PER.C6 cell (ECACC 96022940) or a functional derivative, and/or analogue thereof.

70. A method according to claim 2, wherein said nucleic acid in said cell further comprises a nucleic acid sequence encoding an adenoviral E2-region and/or an adenoviral E4-region protein.

71. A method according to claim 2, wherein at least one of said nucleic acid molecules is linear.

72. A method according to claim 2, wherein at least one of said molecules comprises adenoviral capsid protein encoding nucleic acid derived from two different adenovirus serotypes.

73. A method according to claim 2, wherein said welding together of said nucleic acid molecules leads to the generation of a physically linked nucleic acid comprising at least two functional adenovirus inverted terminal repeats, a functional encapsulation signal, a nucleic acid encoding at least one adenoviral E1-region protein, at least one adenoviral E2-region encoded protein and/or at least one adenoviral E4-region encoded protein and a nucleic acid of interest or functional parts, derivatives and/or analogues thereof and wherein at least one of said E1-region encoded proteins is under transcriptional control of a conditionally active promoter.

74. A recombinant nucleic acid according to claim 26 wherein said sequence for adenovirus-independent replication comprises an SV40 origin of replication.

75. A recombinant nucleic acid according to claim 24 wherein said nucleotide sequence comprises no sequences allowing for homologous recombination leading to replication competent virus in a cell into which said recombinant nucleic acid is transferred.

76. A recombinant nucleic acid according to claim 25 wherein said nucleotide sequence comprises no sequences allowing for homologous recombination leading to replication competent virus in a cell into which said recombinant nucleic acid is transferred.

77. A recombinant nucleic acid according to claim 24, wherein said deletion in the E3 region is replaced with a transgene.

78. A recombinant nucleic acid according to claim 25, wherein said deletion in the E3 region is replaced with a transgene.

Remarks

The application is to be amended without prejudice or disclaimer as previously set forth. Primarily, the amendments are sought to conform the application to a form more consistent with